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SUBJECT: SPECIAL ENVOY AHTISAARI BRIEFS UNSC ON KOSOVO
FUTURE STATUS TALKS

Classified By: AMBASSADOR JOHN R. BOLTON, REASONS 1.4 (B) AND (D)

¶1. (C) Summary: On July 13, the Security Council met for a briefing by Special Envoy Martti Ahtisaari on his progress on overseeing the Kosovo Future Status Talks. The unusual format for the day involved three separate events: a private meeting of the Security Council, closed consultations in which Ahtisaari briefed on his progress and the road ahead and lastly an "Arria-formula" meeting at which President Sejdiu spoke and listened to statements by some Security Council members. In the Private Meeting, Serbian Prime Minister Kostunica delivered a highly legalistic message pointing successively to UNSCR 1244, the Helsinki Final Act and the UN Charter as legal arguments for why Kosovo could not be separated from Serbia. Kostunica also asserted that the Contact Group statement from London in January did not allow for a rushed and imposed solution and stated in a final comment at the end of the session that the Albanians had "already gotten their state in the previous century, so, they do not deserve another one now." In consultations Ahtisaari read from prepared comments and noted that he planned to convene a session on the larger status issues later this month, but positions were far apart so it would be difficult to come to an agreed solution. Russian PermRep Vitaly Churkin said the international community should "get over Milosevic" and stop blaming the current democratic government in Belgrade for his actions. Churkin also said the international community would have no right at all to impose a solution and that Kosovo was not a unique case and would, to the contrary, have an impact around the globe. In the afternoon Arria-formula meeting, President Sejdiu delivered a well-balanced and temperate speech. The U.S., UK, France, Greece and Italy made comments. Russia was represented at the expert level and made no comments. End summary.

Private Meeting

¶2. (C) In the private meeting, Prime Minister Kostunica (statement also faxed to Washington) delivered a highly legalistic message focused on Serbia's territorial integrity saying that Kosovo was incontestably part of Serbia and nobody had managed to call into question this fundamental fact by means of legal arguments. Kostunica stated that Albanians who were the clear majority in Kosovo demanded to be given independence and full sovereignty of territory that belongs to Serbia and continued that these arguments for Kosovo's independence "amounted to violence and persistent threats to use force." Kostunica further argued that the standards "were really about fundamental human rights", but thinking had slipped from "standards before status" to a consecutive approach and finally to the current situation of "almost forgetting about the standards all together." Kostunica concluded that "the sovereignty and territorial

integrity of democratic states should be sacrosanct." He further stated that "the Parliament of Serbia would, without a shadow of a doubt, reject any imposed solution and declare it legally void, and Serbia would continue to consider the territory of Kosovo as part of its sovereignty."

¶3. (C) In national statements, UK Deputy Permrep Karen Pierce welcomed Kostunica's offer to move the process forward, but stated that the January Contact Group Statement and Guiding Principles along with 1244 must be adhered to firmly. Pierce also stated that Kosovo was a very unique case because of the history of the region. Pierce, welcomed Kostunica's willingness to engage Ahtisaari, but said the UK was concerned by "attempts to undermine him." Countering an argument by Kostunica, she said "no one would be trying to change the borders of the Balkans by force and with 7000 NATO troops there, no one would allow Kosovo to become a threat to its neighbors." The fact was that Kosovars did not want to be ruled by Belgrade, however, was a fact that Ahtisaari would have to take into account, Pierce stated. In its statement, Greece stressed that any solution needed to be negotiated and Belgrade should encourage Serbs to participate in Kosovo institutions. There should be no inflexible deadlines, but also "no dragging out of the process." Denmark underscored that Ahtisaari's approach was realistic and his process was "the only game in town, so we all needed to support him." In addition, parallel structures were not helpful.

¶4. (C) Slovakia said its principal for the Kosovo Future Status Process was "impartiality and transparency." It also argued that the international community should not "give the impression that the outcome of the status talks had been prejudged." Slovakia also called on Belgrade to allow Serb participation in Kosovar institutions. The French Permrep

said France fully supported Ahtisaari and that Serbs needed to be involved in Kosovo institutions. France hoped a negotiated settlement could be reached, but, in any case, one needed to be found within the timeline previously determined by the Contact Group. France supported the Guiding Principles and we could not accept a return to the status quo before 1999, nor could we accept the attachment of Kosovo to any another state.

¶5. (C) Kostunica, who asked to speak again at the end of the Private meeting, said that the London Contact Group statement had stated we should listen to the will of the majority, but had also addressed the need for compromise and "negotiated settlement", so we needed to find a solution without a change in borders. Kostunica also asserted that despite calls for self-determination in the Security Council meeting that day, "the Albanians had in fact already gotten their state in the early 20th Century and did not need another one now."

Consultations With Ahtisaari

¶6. (C) In consultations, Ahtisaari spoke and read a prepared statement (same text as advance copy received by Washington). Delivering a strong statement, Russian Permrep Vitaly Churkin said we should not over-dramatize the modest results achieved in status talks thus far. There should not be any imposed timelines or any prejudgment of the outcome and continued dialogue would be the only way we would come up with a solution. Some claimed that a solution to the problem of Kosovo's status could be reached without action by the Security Council, but that would set a negative precedent, said Churkin. The argument that the Kosovo case was unique is false and could set a dangerous double standard in international relations. In reality in many unsettled regions of the world, people were watching the outcome for Kosovo and it could affect their actions. Churkin continued, averring that we should "get over Milosevic" and stop blaming the current democratic government in Belgrade for his past sins. He also said the international community would have no right at all to impose a solution. In an open exchange at the end of the meeting Ahtisaari countered Churkin's argument, saying

there had been considerable violence against Kosovars by the Milosevic regime and that the period from 1989 to 1999 could not simply be forgotten. Churkin rebutted that Ahtisaari had misunderstood his point, which was that while the repression of the Milosevic regime might be true it was to be sorted out in the Hague and not in the future status process for Kosovo.

Ahtisaari responded that we could not just separate the status process from the actual history of the region.

17. (C) In addition to the talking points in STATE 114589, the U.S. also responded to Churkin's comment about the non-uniqueness of Kosovo pointing out that the events since 1989 had indeed made it *sui generis*. Greece stated that standards implementation had come a long way in the past year, but more still needed to be done. Above all, we needed to find an outcome that would ensure peaceful coexistence with the Serbs and stability in the region. China stated that it was important to respect sovereignty and international territory under international law and negotiations needed to take place within the framework of relevant Security Council resolutions. UK Deputy Permrep Karen Pierce stated that there was no alternative to Ahtisaari and we needed to offer him our full support. Pierce also argued that Ahtisaari had misinterpreted the Contact Group statement from January when he said that it dictated that a negotiated settlement was the only option. Slovakia stated that we needed a balanced and negotiated settlement and to lay the ground for a modern multi-ethnic society in Kosovo, which would be measured by returns on the ground and, ultimately, by what happens the day after status is decided.

Arria-formula Session With President Sejdiu

18. (C) In the afternoon Arria-formula meeting, President Sejdiu delivered a well-balanced and temperate speech (text faxed to the Department). The U.S., UK, France, Greece and Italy made comments. The U.S., UK and French comments all offered support for Sejdiu, but stressed that he had much more to do to forge compromises and push standards implementation. Russia was represented at the expert level and did not exercise its right to make a statement. (Note: Russia had expressed reservations to this meeting format in the first place, saying Sejdiu should be offered only a lunch outside of the UN Secretariat building.)

BOLTON